

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALFRED GRAY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 3:14-cv-00593-MMD-WGC

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE
JUDGE WILLIAM G. COBB

Before the Court is Magistrate Judge William G. Cobb's Report and Recommendation ("R&R") (dkt. no. 17), regarding Plaintiff's document titled "Response to Social Security," which was construed as a motion to reverse or remand the Social Security Administration's decision finding him not disabled (dkt. no. 12), and the Commissioner's cross-motion to affirm (dkt. no. 15). The Court allowed Plaintiff to file any objections by February 15, 2016 (dkt. no. 17). No objections have been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard


1 of review employed by the district court when reviewing a report and recommendation to
2 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
3 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
4 view that district courts are not required to review "any issue that is not the subject of an
5 objection"). Thus, if there is no objection to a magistrate judge's recommendation, then
6 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
7 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
8 which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
10 order to determine whether to adopt the R&R. Upon review of the R&R and the records
11 in this case, the Court finds good cause to adopt the R&R in full.

12 It is hereby ordered that the R&R (dkt. no. 17) is accepted and adopted in full.
13 This matter is remanded to the ALJ for further proceedings. The Commissioner's cross-
14 motion to affirm (dkt. no. 15) is denied.

15 The Clerk is directed to close this case.

16 DATED THIS 26th day of February 2016.

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19 MIRANDA M. DU
20 UNITED STATES DISTRICT JUDGE
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